

AMENDMENTS TO THE DRAWINGS:

Two replacement sheets of drawings containing Figs. 10 and 13-14 are attached to this paper and include changes to Figs. 10 and 14 which are discussed below in the remarks. No changes were made to Fig. 13.

The replacement sheet of drawings containing Fig. 10 replaces the original sheet of drawings containing Fig. 10 filed with the application on February 24, 2004.

The replacement sheet of drawings containing Figs. 13-14 replaces the original sheet of drawings containing Figs. 13-14 filed with the application on February 24, 2004.

REMARKS

In accordance with the foregoing, the specification, Figs. 10 and 14, and claims 1 and 12 have been amended, and new claims 47-48 have been added. Claims 1-48 are pending, with claims 1, 13, 22, 31, 38, and 45 being independent. Claims 1-46 are under consideration and were rejected. No new matter is presented in this amendment.

The specification has been amended to correct obvious errors.

Fig. 10 has been amended to change reference numeral 100 to 120 to be consistent with Fig. 12.

Fig. 14 has been amended to change "LENGTH" to "HEIGHT" to be consistent with paragraphs [0051] and [0056] of the specification.

Claim 1 has been amended to correct a typographical error. It is submitted that this amendment to claim 1 does not change the scope of claim 1, such that the Examiner cannot make the next Office Action final if it includes any new ground of rejection of claim 1.

Claim 12 has been amended to be consistent with Fig. 15 and paragraphs [0057] and [0058] of the specification.

New claims 47-48 are based on Fig. 15 and paragraphs [0057] and [0058] of the specification. The value of 1500 nm in claim 47 corresponds to the value of 1500 nm shown in Fig. 15, and the value of 1000 nm recited in claim 48 corresponds to the value of 1000 nm shown in Fig. 15.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 1-3, 6-8, 18, 19, 37, 44, 46, 31, 32, 35, and 36 were rejected under 35 USC 103(a) as being unpatentable over Hori et al. (Hori) (U.S. Patent No. 6,392,338) in view of Takahashi et al. (Takahashi) (U.S. Patent No. 5,804,917). This rejection is respectfully traversed.

Independent Claim 1

As recognized by the Examiner, Fig. 10 of Hori relied on by the Examiner does not disclose the feature of independent claim 1 "wherein a fine space layer is formed between the optical loss prevention layer and the organic EL portion and is filled with a gas or evacuated." However, the Examiner considers Figs. 1-2 of Takahashi to disclose "a fine space layer being formed and filled with a gas or evacuated" as recited in claim 1, and is of the opinion that it would have been obvious to incorporate Takahashi's fine space layer into the display device assembly in Fig. 10 of Hori "in order to reduce likelihood of damage to EL portion layer during manufacture."

At the outset, it is noted that the Examiner did not identify which element in Figs. 1-2 of Takahashi the Examiner considers to be "a fine space layer being formed and filled with a gas or evacuated" as recited in claim 1, which makes it difficult for the applicants to respond to the rejection. However, it appears that the Examiner considers the spaces which are not identified by reference numerals between upper electrodes 7 and upper substrate 1 in Fig. 2 of Takahashi to be "a fine space layer being formed and filled with a gas or evacuated" as recited in claim 1 since, according to column 8, lines 6-16, of Takahashi, these spaces may be evacuated or filled with a gas, a liquid, or a solid.

Takahashi's fine space layer is formed between upper electrodes 7 which are metal electrodes (see column 7, lines 35-40, of Takahashi) and upper substrate 1. Accordingly, if one of ordinary skill in the art were to have incorporated Takahashi's fine space layer into the display device assembly in Fig. 10 of Hori as proposed by the Examiner, it is submitted that one of ordinary skill in the art would have provided an upper substrate above metal electrode layer 95 in Fig. 10 of Hori to form a fine space layer between metal electrode layer 95 and the upper substrate.

In contrast, claim 1 recites that "a fine space layer is formed between the optical loss prevention layer and the organic EL portion." The Examiner considers composite dielectric layer 97 in Fig. 10 of Hori to be "an optical loss prevention layer" as recited in claim 1, and considers metal electrode layer 95, organic light emitting layer 94, and transparent electrode layer 926 in Fig. 10 of Hori to be "an organic EL portion" as recited in claim 1. It is submitted that nothing whatsoever in Fig. 2 of Takahashi would have motivated one of ordinary skill in the art to provide the fine space layer in Fig. 2 of Takahashi in the display device in Fig. 10 of Hori between

composite dielectric layer 97 (Hori's "optical loss prevention layer") and transparent electrode layer 926 (part of Hori's "organic EL portion") in order to provide the feature of claim 1 "wherein a fine space layer is formed between the optical loss prevention layer and the organic EL portion."

Furthermore, upper substrate 1 and the fine space layer in Fig. 2 of Takahashi are provided to solve the problems described in column 2, lines 37-58, of Takahashi in the prior-art display device assembly in Fig. 9 of Takahashi which result from organic layer 113 made of an organic EL medium being divided into strips by ribs 114. In contrast, the display device assembly in Fig. 10 of Hori does not have ribs which divide hole transport layer 93 and organic light emitting layer 94 into strips. Accordingly, it is submitted that the display device assembly in Fig. 10 of Hori does not suffer from the problems which upper substrate 1 and the fine space layer in Fig. 2 of Takahashi are designed to solve, such that one of ordinary skill in the art would not have been motivated to provide Takahashi's fine space layer in the display device assembly in Fig. 10 of Hori as proposed by the Examiner.

Accordingly, for at least the reasons discussed above, it is submitted that Hori and Takahashi do not disclose or suggest the feature of claim 1 "wherein a fine space layer is formed between the optical loss prevention layer and the organic EL portion and is filled with a gas or evacuated," and it is respectfully requested that the rejection of claim 1 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi be withdrawn.

Independent Claim 31

As recognized by the Examiner, Fig. 8 of Hori relied on by the Examiner does not disclose the feature of independent claim 31 "wherein a fine space layer is formed between the optical loss prevention layer and the first electrode layer and is filled with a gas or evacuated." However, the Examiner considers Figs. 1-2 of Takahashi to disclose a fine space layer being formed and filled with a gas or evacuated, and is of the opinion that it would have been obvious to incorporate Takahashi's fine space layer into the display device assembly in Fig. 8 of Hori "in order to reduce likelihood of damage to EL portion layer during manufacture," thereby presumably providing all of the elements of claim 31.

Fig. 8 of Hori is identical to Fig. 10 of Hori discussed above in connection with claim 1, except that Fig. 8 of Hori has dielectric layer 77 in place of composite dielectric layer 97 in Fig. 10 of Hori.

Accordingly, it is submitted that Hori and Takahashi do not disclose or suggest the feature of claim 31 "wherein a fine space layer is formed between the optical loss prevention layer and the first electrode layer and is filled with a gas or evacuated," for at least the reasons discussed above that Hori and Takahashi do not disclose the similar feature of claim 1, and it is respectfully requested that the rejection of claim 31 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi be withdrawn.

Dependent Claims 2-3, 6-8, 18, 19, 37, 44, 46, 32, 35, and 36

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 2-3, 6-8, 18, 19, 37, 44, 46, 32, 35, and 36 depend directly or indirectly from independent claims 1 and 31, and thus recite all of the features recited in claims 1 and 31 together with further features of the present invention.

Accordingly, it is submitted that claims 2-3, 6-8, 18, 19, 37, 44, 46, 32, 35, and 36 are patentable over Hori and Takahashi for at least the reasons discussed above that claims 1 and 31 are patentable thereover, and it is respectfully requested that the rejection of claims 2-3, 6-8, 18, 19, 37, 44, 46, 32, 35, and 36 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi be withdrawn.

Rejection 2

Claims 4, 33, and 43 were rejected under 35 USC 103(a) as being unpatentable over Hori and Takahashi as applied to claims 2, 31, and 32, and further in view of Hosokawa et al. (Hosokawa) (U.S. Patent No. 5,307,363). This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 4, 33, and 43 depend directly or indirectly from independent claims 1 and 31, and thus recite all of the features recited in claims 1 and 31 together with further features of the present invention.

Accordingly, it is submitted that claims 3, 33, and 43 are patentable over Hori, Takahashi, and Hosokawa for at least the reasons discussed above that claims 1 and 31 are patentable over Hori and Takahashi, and it is respectfully requested that the rejection of claims 3, 33, and 43 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi and Hosokawa be withdrawn.

Rejection 3

Claims 5 and 34 were rejected under 35 USC 103(a) as being unpatentable over Hori, Takahashi, and Hosokawa as applied to claims 3 and 4, and further in view of Kawase (U.S. Patent Application Publication No. 2001/0033136). This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 5 and 34 depend indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention.

Accordingly, it is submitted that claims 5 and 34 are patentable over Hori, Takahashi, Hosokawa, and Kawase for at least the reasons discussed above that claim 1 is patentable over Hori and Takahashi, and it is respectfully requested that the rejection of claims 5 and 34 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi, Hosokawa, and Kawase be withdrawn.

Rejection 4

Claims 9-11 and 21 were rejected under 35 USC 103(a) as being unpatentable over Hori and Takahashi as applied to claim 1, and further in view of Burrows et al. (Burrows) (U.S. Patent No. 6,013,538). This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 9-11 and 21 depend directly or indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention.

Accordingly, it is submitted that claims 9-11 and 21 are patentable over Hori, Takahashi, and Burrows for at least the reasons discussed above that claim 1 is patentable over Hori and

Takahashi, and it is respectfully requested that the rejection of claims 9-11 and 21 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi and Burrows be withdrawn.

Rejection 5

Claim 12 was rejected under 35 USC 103(a) as being unpatentable over Hori, Takahashi, and Burrows as applied to claim 9, and further in view of Murasko et al. (Murasko) (U.S. Patent Application Publication No. 2003/0015962). This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claim 12 depends indirectly from independent claim 1, and thus recites all of the features recited in claim 1 together with further features of the present invention.

Accordingly, it is submitted that claim 12 is patentable over Hori, Takahashi, Burrows, and Murasko for at least the reasons discussed above that claim 1 is patentable over Hori and Takahashi, and it is respectfully requested that the rejection of claim 12 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi, Burrows, and Murasko be withdrawn.

Rejection 6

Claims 13-15, 17, and 45 were rejected under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi and Kawase. This rejection is respectfully traversed.

Independent Claim 13

As recognized by the Examiner, Fig. 10 of Hori relied on by the Examiner does not disclose "a photonic plate which forms a fine space layer by combining with the organic EL display portion and has an optical loss prevention layer" as recited in independent claim 13. However, the Examiner considers paragraph [0045] of Kawase to disclose a photonic plate which has an optical loss prevention layer," and considers Figs. 1-2 of Takahashi to disclose forming a fine space layer by combining a plate with an organic EL display portion," and is of the opinion that it would have been obvious to incorporate these features of Kawase and Takahashi into the display device assembly in Fig. 10 of Hori "in order to control the wavelength of light

emitted by the device and reduce the potential for damage to the EL portion during manufacture," thereby presumably providing all of the elements of claim 13.

It is noted that paragraph [0045] of Kawase referred to by the Examiner is paragraph [0045] in the full-text version of Kawase in the Patent Application Full Text and Image Database on the PTO's Web site, but is paragraph [0044] in the image version of Kawase in this database. This paragraph of Kawase relied on by the Examiner reads as follows:

It might be understood from FIGS. 1 to 4 that the corrugated surfaces have the form of a simple diffraction grating, that is as shown in the first of the three examples of FIG. 8(a). Although this may be the case, it is not limiting and other periodic patterns may be used. Other forms of what might be considered a one-dimensional periodic structure are illustrated as the other two examples in FIG. 8(a). Further, it is possible to use what might be considered as two or three-dimensional periodic structures—for example having the formats indicated in FIG. 8(b). These are essentially photonic band gap structures. They stop propagation in certain directions at certain wavelengths. Of the two examples shown in FIG. 8(b), the off-set pattern (the second example) is considered the most effective since all inter-dot distances are set to be equal to Λ . A flier alternative is to use a so-called chirping grating, an example of which is illustrated in FIG. 8(c). Usually the use of a grating results in a narrow spectrum. However, a chirping grating can be used when there is a requirement for high efficiency without the restriction of a narrow grating. This results in a broad spectrum. Efficiency is improved and emission from the device is more dependent upon the original emission properties of the material.

The Examiner presumably relied on this paragraph of Kawase because of the statement "[t]hese are essentially photonic band gap structures" which refers to the structures in Fig. 8(b) of Kawase. This is the only place in Kawase where the word "photonic" occurs. However, it is not seen how the structures in Fig. 8(b) can be considered to be "a photonic plate which . . . has an optical loss prevention layer" as recited in claim 1 as alleged by the Examiner. Nor has the Examiner explained how he considers paragraph [0045] of Kawase to disclose this feature of claim 13.

In any event, Figs. 1-4 of Kawase show methods of making corrugated components for use in constructing light emitting devices or organic EL display portions having a corrugated light emitting polymer layer 140 as shown in Figs. 5-6 of Kawase.

Fig. 1 of Kawase shows a method of making a substrate 10 having a corrugated upper surface 18. If one of ordinary skill in the art were to have combined this element of Kawase with the structure in Fig. 10 of Hori as proposed by the Examiner, it is submitted that one of ordinary skill in the art would have replaced substrate 91 in Fig. 10 of Hori with this element, which would then correspond to the "substrate" recited in claim 13, such that the resulting combination would not include the additional element of "a photonic plate which . . . has an optical loss prevention layer" recited in claim 13.

Fig. 2 of Kawase shows a method of making a component 20 including a substrate 22 and an ITO electrode 24 having a corrugated upper surface 30. If one of ordinary skill in the art were to have combined this element of Kawase with the structure in Fig. 10 of Hori as proposed by the Examiner, it is submitted that one of ordinary skill in the art would have replaced substrate 91 and transparent electrode layer 926 made of ITO in Fig. 10 of Hori with this element, which would then correspond to the "substrate" and the "first electrode layer" (which is part of the "organic EL display portion") recited in claim 13, such that the resulting combination would not include the additional element of "a photonic plate which . . . has an optical loss prevention layer" recited in claim 13.

Fig. 3 of Kawase shows a method of making a component including a substrate 38, an ITO electrode 40, and a conductive polymer layer 44 having a corrugated upper surface 46. Conductive polymer layer 44 is apparently used as or in place of a hole transporting layer. If one of ordinary skill in the art were to have combined this element of Kawase with the structure in Fig. 10 of Hori as proposed by the Examiner, it is submitted that one of ordinary skill in the art would have replaced substrate 91, transparent electrode layer 926 made of ITO, and hole transport layer 93 in Fig. 10 of Hori with this element, which would then correspond to the "substrate" and the "first electrode layer" (which is part of the "organic EL display portion") recited in claim 13, such that the resulting combination would not include the additional element of "a photonic plate which . . . has an optical loss prevention layer" recited in claim 13.

Fig. 4 of Kawase shows a method of making a component having a substrate 52, an ITO electrode 54, and a conductive polymer layer 58 having a corrugated upper surface. Conductive polymer layer 58 is apparently used as or in place of a hole transporting layer. If one of ordinary skill in the art were to have combined this element of Kawase with the structure in Fig. 10 of Hori as proposed by the Examiner, it is submitted that one of ordinary skill in the art would have

replaced substrate 91, transparent electrode layer 926 made of ITO, and hole transport layer 93 in Fig. 10 of Hori with this element, which would then correspond to the "substrate" and the "first electrode layer" (which is part of the "organic EL display portion") recited in claim 13, such that the resulting combination would not include the additional element of "a photonic plate which . . . has an optical loss prevention layer" recited in claim 13.

To summarize, the combination of Hori and Kawase proposed by the Examiner results in a combination of a substrate and an organic EL display portion, whereas claim 13 recites a combination of a substrate and an organic EL display portion together with the additional element of a photonic plate which . . . has an optical loss prevention layer.

Furthermore, it is submitted that one of ordinary skill in the art would not have been motivated to provide the fine space layer in Figs. 1-2 of Takahashi in the display device assembly in Fig. 10 of Hori as proposed by the Examiner for at least the reasons discussed above in connection with claim 1.

Accordingly, for at least the reasons discussed above, it is submitted that Hori, Takahashi, and Kawase do not disclose or suggest "a photonic plate which forms a fine space layer by combining with the organic EL display portion and has an optical loss prevention layer" as recited in claim 13, and it is respectfully requested that the rejection of claim 13 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi and Kawase be withdrawn.

Independent Claim 45

As recognized by the Examiner, Fig. 10 of Hori relied on by the Examiner does not disclose "a first photonic plate disposed on the organic EL portion" as recited in independent claim 45, or "a second photonic plate disposed proximate to the first photonic plate" as recited in claim 45, or "an optical loss prevention layer, disposed on the second photonic plate and facing the first photonic plate, to increase light bleeding efficiency" as recited in claim 45, or the feature of claim 45 "wherein a fine space layer is formed between the optical loss prevention layer and the optical loss prevention layer and is filled with a gas or evacuated." However, the Examiner considers paragraph [0045] of Kawase to disclose first and second photonic plates which have an optical loss prevention layer, and considers Figs. 1-2 of Takahashi to disclose forming a fine space layer by combining a plate with an organic EL display portion, and is of the opinion that it

would have been obvious to incorporate these features of Kawase and Takahashi into the display device assembly in Fig. 10 of Hori "in order to control the wavelength of light emitted by the device and reduce the potential for damage to the EL portion during manufacture," thereby presumably providing all of the elements of claim 45.

However, for at least the reasons discussed above in connection with claim 13, it is submitted that the combination of Hori, Takahashi, and Kawase proposed by the Examiner does not disclose or suggest "a first photonic plate disposed on the organic EL portion" as recited in independent claim 45, or "a second photonic plate disposed proximate to the first photonic plate" as recited in claim 45, or "an optical loss prevention layer, disposed on the second photonic plate and facing the first photonic plate, to increase light bleeding efficiency" as recited in claim 45, or the feature of claim 45 "wherein a fine space layer is formed between the optical loss prevention layer and the optical loss prevention layer and is filled with a gas or evacuated." Accordingly, it is respectfully requested that the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi and Kawase be withdrawn.

Dependent Claims 14-15 and 17

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 14-15 and 17 depend directly or indirectly from independent claim 13, and thus recite all of the features recited in claim 13 together with further features of the present invention.

Accordingly, it is submitted that claims 14-15 and 17 are patentable over Hori and Takahashi for at least the reasons discussed above that claim 13 is patentable thereover, and it is respectfully requested that the rejection of claims 14-15 and 17 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi and Kawase be withdrawn.

Rejection 7

Claim 16 was rejected under 35 USC 103(a) as being unpatentable over Hori, Takahashi, and Kawase as applied to claim 14, and further in view of Hosokawa. This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claim 16 depends indirectly from independent claim 13, and thus recites all of the features recited in claim 13 together with further features of the present invention.

Accordingly, it is submitted that claim 16 is patentable over Hori, Takahashi, Kawase, and Hosokawa for at least the reasons discussed above that claim 13 is patentable over Hori, Takahashi, and Kawase, and it is respectfully requested that the rejection of claim 16 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi, Kawase, and Hosokawa be withdrawn.

Rejection 8

Claims 20 and 30 were rejected under 35 USC 103(a) as being unpatentable over Hori, Takahashi, and Kawase as applied to claim 13, and further in view of Burrows. This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 20 and 30 depend directly or indirectly from independent claim 13, and thus recite all of the features recited in claim 13 together with further features of the present invention.

Accordingly, it is submitted that claims 20 and 30 are patentable over Hori, Takahashi, Kawase, and Burrows for at least the reasons discussed above that claim 13 is patentable over Hori, Takahashi, and Kawase, and it is respectfully requested that the rejection of claims 20 and 30 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi, Kawase, and Burrows be withdrawn.

Rejection 9

Claims 22-25, 27, 28, and 38 were rejected under 35 USC 103(a) as being unpatentable over Hori in view of Kawase, Takahashi, and Koyama (U.S. Patent Application Publication No. 2001/0002703). This rejection is respectfully traversed.

Independent Claim 22

As recognized by the Examiner, Fig. 10 of Hori relied on by the Examiner does not disclose "an insulating layer formed on an upper surface of the substrate to expose an organic luminescent layer" as recited in independent claim 22, or "a driving portion formed on the substrate and having thin film transistors to switch the first electrode layer" as recited in claim 22, or "a photonic plate formed on the upper surface of the first electrode layer, forming a fine space layer filled with an inert gas or evacuated, and having an optical loss prevention layer" as recited in claim 22. However, the Examiner considers paragraph [0045] of Kawase to disclose a photonic plate which has an optical loss prevention layer, considers Figs. 1-2 of Takahashi to disclose forming a fine space layer with an inert gas or evacuated by combining a plate with an organic EL display portion, and considers Fig. 11 of Koyama to disclose an insulating layer formed on an upper surface of the substrate to expose an organic EL layer, and a driving portion formed on a substrate and having thin film transistors to switch a first electrode layer, and is of the opinion that it would have been obvious to incorporate these features of Kawase, Takahashi, and Koyama into the display device assembly in Fig. 10 of Hori "in order to control the wavelength of light emitted by the device, reduce the potential for damage to the EL portion during manufacture, and define and control display pixels," thereby presumably providing all of the elements of claim 22.

However, for at least the reasons discussed above in connection with claim 13, it is submitted that the combination of Hori, Kawase, Takahashi, and Koyama proposed by the Examiner does not disclose or suggest "a photonic plate formed on the upper surface of the first electrode layer, forming a fine space layer filled with an inert gas or evacuated, and having an optical loss prevention layer" as recited in claim 22. Accordingly, it is respectfully requested that the rejection of claim 22 under 35 USC 103(a) as being unpatentable over Hori in view of Kawase, Takahashi, and Koyama be withdrawn.

Independent Claim 38

As recognized by the Examiner, Fig. 8 of Hori relied on by the Examiner does not disclose or suggest "an insulating layer formed on an upper surface of the substrate to expose an organic luminescent layer" as recited in independent claim 38, or "a driving portion formed on the substrate and having thin film transistors to switch the first electrode layer" as recited in claim

38, or "a photonic plate which forms a fine space layer filled with an inert gas or evacuated by combination with the planarization film and has an optical loss prevention layer having patterned areas with different refractive indices" as recited in claim 38. However, the Examiner considers paragraph [0045] of Kawase to disclose a photonic plate which has an optical loss prevention layer, considers Figs. 1-2 of Takahashi to disclose forming a fine space layer with an inert gas or evacuated by combining a plate with an organic EL display portion, and considers Fig. 11 of Koyama to disclose an insulating layer formed on an upper surface of the substrate to expose an organic EL layer, and a driving portion formed on a substrate and having thin film transistors to switch a first electrode layer, and is of the opinion that it would have been obvious to incorporate these features of Kawase, Takahashi, and Koyama into the display device assembly in Fig. 8 of Hori "in order to control the wavelength of light emitted by the device, reduce the potential for damage to the EL portion during manufacture, and define and control display pixels," thereby presumably providing all of the elements of claim 38.

However, claim 38 also recites "a planarization film formed on the upper surface of the second electrode layer." The Examiner did not address this feature of claim 38 in explaining the rejection, and accordingly it is submitted that the combination of Kawase, Takahashi, and Koyama proposed by the Examiner does not disclose or suggest "a planarization film formed on the upper surface of the second electrode layer" as recited in claim 38, or "a photonic plate which forms a fine space layer filled with an inert gas or evacuated by combination with the planarization film and has an optical loss prevention layer having patterned areas with different refractive indices" as recited in claim 38.

Furthermore, Fig. 8 of Hori is identical to Fig. 10 of Hori discussed above in connection with claim 13, except that Fig. 8 of Hori has dielectric layer 77 in place of composite dielectric layer 97 in Fig. 10 of Hori. Accordingly, for at least the reasons discussed above in connection with claim 13, it is submitted that the combination of Hori, Kawase, Takahashi, and Koyama proposed by the Examiner does not disclose or suggest "a photonic plate which forms a fine space layer filled with an inert gas or evacuated by combination with the planarization film and has an optical loss prevention layer having patterned areas with different refractive indices" as recited in claim 38.

Since the combination of Hori, Kawase, Takahashi, and Koyama proposed by the Examiner does not disclose or suggest at least the features of claim 38 discussed above, it is

respectfully requested that the rejection of claim 38 under 35 USC 103(a) as being unpatentable over Hori in view of Kawase, Takahashi, and Koyama be withdrawn.

Dependent Claims 23-25, 27 and 28

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 23-25, 27, and 28 depend directly or indirectly from independent claim 22, and thus recite all of the features recited in claim 22 together with further features of the present invention.

Accordingly, it is submitted that claims 23-25, 27, and 28 are patentable over Hori, Kawase, Takahashi, and Koyama for at least the reasons discussed above that claim 22 is patentable thereover, and it is respectfully requested that the rejection of claims 23-25, 27, and 28 under 35 USC 103(a) as being unpatentable over Hori in view of Kawase, Takahashi, and Koyama be withdrawn.

Rejection 10

Claims 26 and 39 were rejected under 35 USC 103(a) as being unpatentable over Hori, Takahashi, Kawase, and Koyama as applied to claims 24 and 38, and further in view of Hosokawa. This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 26 and 39 depend directly or indirectly from independent claims 22 and 38, and thus recite all of the features recited in claims 22 and 38 together with further features of the present invention.

Accordingly, it is submitted that claims 26 and 39 are patentable over Hori, Takahashi, Kawase, Koyama, and Hosokawa for at least the reasons discussed above that claims 22 and 38 are patentable over Hori, Takahashi, Kawase, and Koyama, and it is respectfully requested that the rejection of claims 26 and 39 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi, Kawase, Koyama, and Hosokawa be withdrawn.

Rejection 11

Claims 29 and 40-42 were rejected under 35 USC 103(a) as being unpatentable over Hori, Takahashi, Kawase, and Koyama as applied to claims 23 and 38, and further in view of Burrows. This rejection is respectfully traversed.

Notwithstanding the position taken by the Examiner, it is noted that dependent claims 29 and 40-42 depend directly or indirectly from independent claims 22 and 38, and thus recite all of the features recited in claims 22 and 38 together with further features of the present invention.

Accordingly, it is submitted that claims 29 and 40-42 are patentable over Hori, Takahashi, Kawase, Koyama, Hosokawa, and Burrows for at least the reasons discussed above that claims 22 and 38 are patentable over Hori, Takahashi, Kawase, and Koyama, and it is respectfully requested that the rejection of claims 29 and 40-42 under 35 USC 103(a) as being unpatentable over Hori in view of Takahashi, Kawase, Koyama, Hosokawa, and Burrows be withdrawn.

New Dependent Claims 47-48

New dependent claims 47-48 depend indirectly from independent claim 1, and thus recite all of the features recited in claim 1 together with further features of the present invention.

Accordingly, it is submitted that claims 47-48 are patentable over Hori and Takahashi for at least the reasons discussed above that claim 1 is patentable over Hori and Takahashi, and an indication to that effect is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

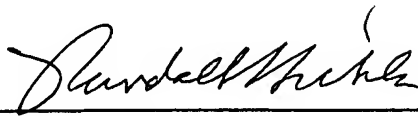
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

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